



General Assembly

January Session, 2017

Committee Bill No. 26

LCO No. 4109



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING SWATTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-180 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) A person is guilty of falsely reporting an incident in the first
4 degree when, knowing the information reported, conveyed or
5 circulated to be false or baseless, such person: (1) Initiates or circulates
6 a false report or warning of an alleged occurrence or impending
7 occurrence of a fire, explosion, catastrophe or emergency under
8 circumstances in which it is likely that public alarm or inconvenience
9 will result; [or] (2) reports, by word or action, to any official or quasi-
10 official agency or organization having the function of dealing with
11 emergencies involving danger to life or property, an alleged
12 occurrence or impending occurrence of a fire, explosion or other
13 catastrophe or emergency which did not in fact occur or does not in
14 fact exist; or (3) violates subdivision (1) or (2) of this subsection with
15 intent to cause a large scale emergency response. For purposes of this
16 section, "large scale emergency response" means an on-site response to

17 any such reported incident by five or more first responders, including
18 any peace officer or firefighter, as those terms are defined in section
19 53a-3, or any ambulance driver, emergency medical responder,
20 emergency medical technician or paramedic, as those terms are
21 defined in section 19a-175.

22 (b) Falsely reporting an incident in the first degree is a class D
23 felony.

24 (c) In addition to any sentence imposed pursuant to subsection (b)
25 of this section, if (1) a person is convicted of an offense in violation of
26 subdivision (3) of this subsection that resulted in a large scale
27 emergency response, (2) any agency or department of the state or
28 political subdivision of the state requests financial restitution for costs
29 associated with such emergency response, and (3) the court finds that
30 the agency or department of the state or political subdivision of the
31 state incurred costs associated with such emergency response as a
32 result of such offense, the court shall order the offender to make
33 financial restitution under terms that the court determines are
34 appropriate. In determining the appropriate terms of financial
35 restitution, the court shall consider: (A) The financial resources of the
36 offender and the burden restitution will place on other obligations of
37 the offender; (B) the offender's ability to pay based on installments or
38 other conditions; (C) the rehabilitative effect on the offender of the
39 payment of restitution and the method of payment; and (D) other
40 circumstances, including the financial burden and impact on the
41 agency or department of the state or political subdivision of the state,
42 that the court determines make the terms of restitution appropriate. If
43 the court determines that the current financial resources of the
44 offender or the offender's current ability to pay based on installments
45 or other conditions are such that no appropriate terms of restitution
46 can be determined, the court may forego setting such terms. The court
47 shall articulate its findings on the record with respect to each of the
48 factors set forth in subparagraphs (A) to (D), inclusive, of this
49 subsection. Restitution ordered by the court pursuant to this

50 subsection shall be based on easily ascertainable damages for actual
 51 expenses associated with such emergency response. Restitution
 52 ordered by the court pursuant to this subsection shall be imposed or
 53 directed by a written order of the court containing the amount of
 54 actual expenses associated with such emergency response, as
 55 ascertained by the court. The order of the court shall direct that a
 56 certified copy of the order be delivered by certified mail to the agency
 57 or department of the state or political subdivision of the state. Such
 58 order is enforceable in the same manner as an order pursuant to
 59 subsection (c) of section 53a-28.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2017	53a-180
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Statement of Purpose:

To ensure that swatting is treated as a class D felony offense and that the offender may be held responsible for financial restitution to a municipality or state agency.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. WITKOS, 8th Dist.

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